

Message Text

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16

ACTION AF-06

INFO OCT-01 EUR-12 IO-10 ISO-00 SCCT-01 SY-05 CIAE-00

DODE-00 PM-04 H-02 INR-07 L-03 NSAE-00 NSC-05 PA-02

PRS-01 SP-02 SS-15 USIA-15 OMB-01 /092 W

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R 241516Z SEP 75

FM AMEMBASSY PRETORIA

TO SECSTATE WASHDC 2783

INFO AMCONSUL CAPE TOWN

AMCONSUL DURBAN

AMEMBASSY GABORONE

AMCONSUL JOHANNESBURG

AMEMBASSY LONDON

AMEMBASSY LUSAKA

US MISSION USUN NEW YORK 1065

UNCLAS PRETORIA 3627

E.O. 11652: N/A

TAGS: PINS, PINT, RH

SUBJECT: RHODESIAN INDEMNITY BILL

REF: PRETORIA A-147

1. BILL PROVIDING INDEMNITY FOR RHODESIAN GOVERNMENT AND ITS EMPLOYEES, INCLUDING MEMBERS OF SECURITY FORCES, AGAINST CIVIL OR CRIMINAL PROSECUTION FOR ANYTHING DONE "IN GOOD FAITH" WHILE SUPPRESSING TERRORISM OR MAINTAINING PUBLIC ORDER WAS PASSED UNANIMOUSLY BY RHODESIAN SENATE SEPT. 19.

2. BILL, WHICH HAD EARLIER PASSED HOUSE (REPAIR) OVER OBJECTIONS OF AFRICAN MEMBERS, HAD ENCOUNTERED PROBLEM IN SENATE WHEN THAT BODY'S LEGAL COMMITTEE ISSUED REPORT STATING PROVISIONS LEGALIZING USE OF FORCE AND REMOVING CLAIMANT'S NORMAL RIGHT TO JUDICIAL HEARING INCONSISTENT WITH RHODESIAN DECLARATION OF RIGHTS. FULL SENATE ACCEPTED
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LEGAL COMMITTEE'S REPORT SEPT. 17, THUS FORCING

GOVERNMENT TO CHOOSE BETWEEN AMENDING BILL IN HOUSE OF ASSEMBLY,
WAITING 180 DAYS SENATE IS EMPOWERED TO HOLD UP BILL, OR ASKING
SENATE TO PASS BILL "IN NATIONAL INTEREST".

3. SMITH REGIME CHOSE THIRD OPTION. MINISTER OF LAW AND ORDER
SENATOR DESMOND LARDNER-BURKE ACKNOWLEDGED TO SENATE
THAT BILL'S OBJECTIVES, EVEN WITH AMENDMENTS, COULD NOT
BE ACHIEVED WITHOUT COMING INTO CONFLICT WITH DECLARATION
OF RIGHTS, BUT THAT NATIONAL EMERGENCY MADE IT IMPOSSIBLE
FOR COUNTRY TO WAIT 180 DAYS. SENATE, INCLUDING AFRICAN CHIEFS,
RESPONDED UNANIMOUSLY AND AFFIRMATIVELY
TO LARDNER-BURKE'S APPEAL.
BOWDLER

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